

District won't challenge mandates

By NICOLE BALES
The Bulletin



Nicole Bales/Bulletin file photo

The Redmond School Board held a special meeting Aug. 11 to discuss Gov. Kate Brown's mask mandate.

REDMOND — On the advice of its attorney, the Redmond School Board has decided not to challenge the state's coronavirus vaccine and mask mandates in court.

Gov. Kate Brown in late July announced a mask mandate for everyone in K-12 schools. Monday is the deadline for K-12 school staff and volunteers, executive branch employees and health care workers to get vaccinated against the virus or get approved for a medical or religious exemption.

The mandate was announced in August.

In response, the Redmond School Board vowed to pursue all appropriate actions, including but not limited to legal action and use of the medical and religious exemptions.

Earlier this month, the board hired Dan Thenell, a Portland-based attorney, to explore legal options.

But after an executive session on Wednesday, Oct. 13, the board decided against action after hearing advice from Thenell, who is also representing several other groups statewide in similar suits.

"The courts have not been receptive so far to our arguments," Thenell told The Bulletin on Monday. "I just think there should be a limit on what the government can force people to do in terms of medical treatment."

Shawn Hartfield, board

chairwoman, said she was glad the board explored its options. She was concerned the district would lose employees as a result of the vaccine mandate, possibly affecting the ability to keep schools open.

"Looking at any legal path to maintain and keep our schools open and not have to get our kids back online, which was not a successful endeavor for us or successful for our kids, was well worth it," Hartfield said.

According to the school district, 14 employees have not provided proof of vaccination or filed for a religious or medical exemption.

Of the district's 940 employees, 82% are fully vaccinated against the virus and 18% have received a medical or religious exemption.

"I'm happy that we at least have the exception so that we can keep them employed, and I really hope that they will fill them out so we do get the last handful of employees so we

don't have any other issues," Hartfield said.

The board unanimously agreed to write to the Oregon Health Authority and Oregon Department of Education laying out questions about the methods being used to determine when decisions about masks and vaccinations will return to local control.

Thenell grew up in Sisters and graduated from Redmond High School. He is also representing Central Oregon health care workers, police officers and firefighters in lawsuits against the governor filed in county circuit courts throughout the state.

Earlier this month a judge rejected a lawsuit filed in Jefferson County by 33 Oregon State Police troopers and two police and firefighter associations represented by Thenell. They were requesting a temporary restraining order of the vaccine mandate.

Thenell is defending health care workers and an Oregon

nonprofit, Oregon Healthcare Workers for Medical Freedom, in a similar suit filed in Klamath County Circuit Court. The suit was filed against the governor and the Oregon Health Authority.

In another suit filed against the governor and the health authority in Yamhill County, Thenell is defending firefighters, emergency personnel and health care workers.

The two latter cases were combined in a petition to the Oregon Court of Appeals to halt the vaccine mandate. The court of appeals in September declined to order a temporary halt to the mandate and said the petitioners have "little-to-no likelihood of success on the merits of their judicial review."

Thenell said there is a theme with all the people that have approached his law practice for representation.

"These are people who have all decided to serve other people, whether they're a firefighter, whether they're a police officer, a nurse, a respiratory therapist, a medical doctor. They have chosen a path of service to help people. And that should not be forgotten," Thenell said. "People need to think about what kind of government we want and what kind of balancing of protecting the public, but also protecting our own rights. Where's the line? And that's what drew me to accept helping these people is that concept."

Officials discuss wildfire plans

By SIERRA DAWN
McCLAIN
Capital Press

EAGLE POINT, Ore. — Oregon Gov. Kate Brown, Sen. Jeff Merkley, U.S. Department of the Interior officials and fire experts Thursday visited Southern Oregon to survey damage from last year's South Obenchain Fire and to talk about plans for managing future wildfires.

According to the officials, Oregon's plan for combating wildfires will include expanding forest treatments, paying federal firefighters a higher wage, converting seasonal firefighting positions into permanent jobs and investing in disaster recovery efforts.

"It's been clear for a number of years now that we are fighting fires of a new age made much more intense by climate change using tools of the last century," Brown told attendees, including firefighters from the U.S. Forest Service and Bureau of Land Management.

Brown was surrounded by charred hillsides, blackened by 2020's Labor Day fires.

The Oregon Legislature, Brown said, is investing \$220 million in modernizing Ore-

gon's firefighting equipment, putting more "boots on the ground," helping vulnerable communities become more fire-adaptive and investing in prescriptive burning and thinning — work Brown called "incredibly important."

Merkley agreed that prescribed fire — intentional use of fire to clear vegetation on the landscape — is crucial.

"I've noticed just a huge shift in the attitude of the public about prescribed burns over this last decade," said Merkley. The public, he said, is becoming more receptive.

Merkley said he's working to secure federal dollars for hazardous fuels reduction: \$230 million in the recent continuing resolution package in Congress, \$2.4 billion in the infrastructure package that passed the Senate and is in the House, and \$650 million to \$700 million in the 2022 appropriations package.

But money may not be enough. Many prescribed burners have told the Capital Press that the biggest barriers they face are legal, not monetary. Under Oregon law, prescribed burners carry heavy liability risks and must comply with strict air quality laws.

More illness linked to Round-Up

By BRYCE DOLE
East Oregonian

PENDLETON — Coronavirus cases in Umatilla County are on a steady decline, but the number of cases connected to the Pendleton Round-Up continues to increase.

Data from the Umatilla County Public Health Department and Yellowhawk Tribal Health Center on the Umatilla Indian Reservation show at least 247 cases have been linked to the week-long rodeo.

Cases from the event spread across at least seven counties and two states besides Oregon, health officials reported. But the vast majority of cases — 225 — were among Umatilla County residents, Umatilla County Public Health Director Joe Fiumara said.

Still, after a brief but significant spike in cases following an outbreak tied to the Round-Up, the county, like much of Oregon, has seen cases drop day by day for nearly two weeks, according to data from the Oregon Health Authority.

Umatilla County reported just 27 cases on Friday, Oct. 15, the lowest daily total since mid-July, and county has been averaging roughly 50 new confirmed and presumptive COVID-19 cases daily, according to OHA data. That's the lowest average in three weeks. It remains possible Umatilla County could have its lowest case count in nearly three months, according to state data and Fiumara.

"Something would have to drastically change for us not to report a pretty good decline in cases," Fiumara said. "It's kind of the best case scenario for us coming off the spike from the Round-Up."

The county is fortunate the spike did not continue for any longer than it did, Fiumara noted, even though at least one regional hospital has reported a sharp spike in patients hospitalized with the virus since the outbreak.

"We were really hopeful that, if people stayed home and didn't spread these cases around, that we would see a quick drop," Fiumara said. "And it looks like we're seeing that, which is very good."

Ranchers barred from wolf hearing

By DON JENKINS
Capital Press

SALEM — Ranchers have lost their bid to oppose restoring wolves to the endangered species list at a federal court hearing in November.

Two judges from the 9th U.S. Circuit Court of Appeals declined Oct. 12 to summarily reverse a lower court ruling barring four agricultural groups from intervening in lawsuits filed by environmental groups.

In a one-page order, Judges William Fletcher and Jay Bybee ruled the agricultural coalition could pursue its appeal, but must follow a briefing schedule that will delay a decision past the Nov. 12 hearing.

U.S. District Judge Jeffrey White in Oakland will hear arguments that day. The Justice Department has moved to dis-

miss the suits, while environmental groups want White to reinstate federal protection.

White denied letting the American Farm Bureau, National Cattlemen's Beef Association, Public Lands Council and American Sheep Industry Association help defend delisting.

White already had granted intervenor status to the National Rifle Association and Safari Club International. White ruled the agricultural groups were adequately represented by the sportsmen.

The agricultural groups argue White's ruling was wrong and sought for it to be reversed this week to allow them to speak at the hearing. Fletcher and Bybee, however, ruled there was no clear error to allow for a reversal without further briefs.

The agricultural groups could still gain intervenor sta-

tus and the right to appeal White's ruling. The coalition has until Nov. 23 to file briefs with the appeals court.

"We are disappointed that the courts have refused agriculture a seat at the table in defending the gray wolf delisting," American Farm Bureau senior counsel for public policy Travis Cushman said in a statement.

"The wolf is an endangered species success story. Its numbers have grown to healthy levels thanks to careful partnerships at the federal and state levels. Responsible management should now continue at the state level to ensure the protection of the gray wolf and the private property of America's farmers and ranchers," he said.

The agricultural coalition argued that while sportsmen want to hunt wolves, their members have a broader interest in managing wolves to

protect livestock and see that ranchers are compensated for losses.

The Trump administration in 2020 delisted wolves throughout the Lower 48. Wolves in Idaho, Montana, Wyoming and the eastern one-third of Oregon and Washington already were considered recovered.

While defending the 2020 delisting, the Biden administration has started reviewing the status of wolves everywhere, citing expanded wolf hunting in Idaho and Montana.

The U.S. Fish and Wildlife Service concluded in 2020 that wolves in California and the western two-thirds of Oregon and Washington were extensions of a robust population in the northern Rocky Mountains.

Environmental groups argue delisting was premature because wolves on the West Coast and around the Great Lakes have not colonized their historic range.

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Heart of Grant County
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Grant County
Victim Assistance Program
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